

Bureau of Prisons, Justice

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the court a decision concerning release from custody or an escorted trip.

(c) Except by order of the court, a pretrial inmate may not be considered for participation in community programs.

§551.110 Religious programs.

(a) When consistent with institution security and good order, pretrial inmates may be allowed the opportunity to participate in religious programs with convicted inmates.

(b) Staff shall ensure that pretrial inmates who do not participate in religious programs with convicted inmates have access to other religious programs.

§551.111 Marriage.

A pretrial inmate may request permission to marry in accordance with current Bureau of Prisons policy for convicted inmates. Staff shall contact the court, U.S. Attorney, U.S. Marshals Service, and in the case of an alien, the Immigration and Naturalization Service, to advise of the marriage request of the pretrial inmate and to request their comments.

§551.112 Education.

(a) A pretrial inmate may participate in correspondence and self-study educational courses. Institutional staff may also arrange for educational assistance to the pretrial inmate through the use of contract personnel or community volunteers.

(b) When consistent with institution security and good order, pretrial inmates may be allowed the opportunity to have access to the institution's educational program.

§551.113 Counseling.

(a) When consistent with institution security and good order, pretrial inmates may be allowed the opportunity to receive counseling services with convicted inmates.

(b) Staff shall ensure that pretrial inmates who do not receive counseling services with convicted inmates have access to other counseling services.

§551.114 Medical, psychiatric and psychological.

(a) Staff shall provide the pretrial inmate with the same level of basic medical (including dental), psychiatric, and psychological care provided to convicted inmates.

(b) Staff shall advise the court, through the U.S. Marshal, of medication the pretrial inmate receives which may alter the inmate's courtroom behavior.

(c) In event of serious illness or death of a pretrial inmate, staff shall notify the committing court, U.S. Marshal, U.S. Attorney's Office, the inmate's attorney of record, and the designated family member or next of kin.

§551.115 Recreation.

(a) When consistent with institution security and good order, pretrial inmates may be allowed the opportunity to participate with convicted inmates in recreational activities. Staff shall ensure that inmates who do not participate in recreational activities with convicted inmates have access to other recreational activities.

(b) At a minimum, and except as noted in paragraph (d) of this section, staff shall provide the pretrial inmate with the following recreational opportunities:

(1) One hour daily of outside recreation, weather permitting; or

(2) Two hours daily of indoor recreation.

(c) Staff shall make recreation equipment available to the pretrial inmate including, but not limited to, physical exercise equipment, books, table games, and television.

(d) Staff shall provide the pretrial inmate housed in Administrative Detention or Disciplinary Segregation with exercise as provided by the Bureau of Prisons rules on Inmate Discipline. (See 28 CFR part 541, subpart B.)

(e) Provisions of paragraphs (b) and (c) of this section must be carried out unless compelling security or safety reasons dictate otherwise. Institution staff shall document these reasons.

§551.116 Discipline.

(a) Staff shall require the pretrial inmate to abide by Bureau of Prisons rules on Inmate Discipline (see 28 CFR

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part 541, subpart B), subject to the limitations of § 551.106 of this part.

(b) Staff shall advise the court, through the U.S. Marshal, of repeated or serious disruptive behavior by a pretrial inmate.

§ 551.117 Access to legal resources.

(a) The Warden shall provide the opportunity for pretrial inmate-attorney visits on a seven-days-a-week basis.

(b) Staff shall provide pretrial inmates with access to legal materials in the institution.

(c) Staff shall allow the pretrial inmate, upon the inmate's request, to telephone the inmate's attorney as often as resources of the institution allow.

§ 551.118 Property.

(a) A pretrial inmate may retain personal property as authorized for convicted inmates housed in administrative detention units. (See 28 CFR part 541, subpart B.)

(b) Staff may store the pretrial inmate's unauthorized personal property until the individual is released, transferred to another facility, or sentenced and committed to a federal institution.

(c) Staff may supply the pretrial inmate with clothing for court appearances, or the inmate may supply his or her own.

§ 551.119 Release of funds and property of pretrial inmates.

(a) Staff shall establish procedures which allow for the release of funds and personal property to pretrial inmates released during other than normal business hours.

(b) Staff shall ensure that pretrial inmates are informed of existing policy relative to the commissary account and the deposit/release of funds.

§ 551.120 Visiting.

Staff shall allow pretrial inmates to receive visits in accordance with the Bureau's rule and local institution guidelines on visiting. Staff may allow a pretrial inmate special visits to protect the inmate's business interests or to help prepare for trial.

Subparts K–L [Reserved]

28 CFR Ch. V (7–1–08 Edition)

Subpart M—Victim and/or Witness Notification

SOURCE: 49 FR 18386, Apr. 30, 1984, unless otherwise noted.

§ 551.150 Purpose and scope.

The Bureau of Prisons provides a requesting victim and/or witness of a serious crime with information on the release from a Bureau institution of the inmate convicted of that serious crime.

[64 FR 68265, Dec. 6, 1999]

§ 551.151 Definitions.

(a) For purpose of this rule, *victim* is generally defined as someone who suffers direct or threatened physical, emotional, or financial harm as the result of the commission of a crime. The term “victim” also includes the immediate family of a minor or a homicide victim.

(b) For purpose of this rule, *witness* is defined as someone who has information or evidence concerning a crime, and provides information regarding this knowledge to a law enforcement agency. Where the witness is a minor, the term “witness” includes an appropriate family member. The term “witness” does not include defense witnesses or those individuals involved in the crime as a perpetrator or accomplice.

(c) For purpose of this rule, *serious crime* is defined as a criminal offense that involves personal violence, attempted or threatened personal violence or significant property loss.

(d) For purpose of this rule, the phrase *release from a Bureau institution* refers to an inmate's furlough, parole (including appearance before the Parole Commission), transfer to a State or local detention facility, transfer to a community corrections center, mandatory release, expiration of sentence, escape (including apprehension), death, and other such release-related information.

[49 FR 18386, Apr. 30, 1984, as amended at 55 FR 6178, Feb. 21, 1990; 64 FR 68265, Dec. 6, 1999]

§ 551.152 Procedures.

(a) A victim and/or witness of a serious crime who wants to be notified of a specific inmate's release must make